

**Appl. No.** : 10/827,016  
**Filed** : April 19, 2004

### **REMARKS**

Claim 1 has been amended by incorporating all of the limitations of claims 5 and 6 which have been canceled. Claim 9 has been amended to clarify the invention. Support can be found in Figs. 2, 3, 7, 15, and 16, and the examples (e.g., pages 16-19), for example. Claims 13-16 have been added. Support for claim 13 can be found on page 12, line 10, and Figs. 1-3, for example. Support for claim 14 can be found on page 14, lines 20-25, for example. Support for claims 15 and 16 can be found in Figs. 15 and 16, for example. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

#### **Pending Claims**

In the Office action, the Examiner fails to examine claims 9-12 which was introduced through the preliminary amendment which was made of record (see PAIR). Applicant is entitled to have claims 9-12 examined and have a fair chance to argue for patentability of these claims. Thus, Applicant respectfully requests that a next Office action be made non-final in the event that the claims are not held allowable.

#### **Rejection Under 35 U.S.C. § 102**

Claims 1-3 and 5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Rhee. Claim 1 is independent and has been amended by incorporating all of the limitations of claims 5 and 6. Since claim 6 has not been rejected on this ground, this rejection is no longer applicable to claim 1 and the remaining dependent claims.

Claims 1, 7, and 8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Norblom. Claim 1 is independent and has been amended by incorporating all of the limitations of claims 5 and 6. Since claim 6 has not been rejected on this ground, this rejection is no longer applicable to claim 1 and the remaining dependent claims.

#### **Rejection Under 35 U.S.C. § 103**

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Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rhee. Claim 4 depends from claim 1. As discussed above, claim 1 has been amended by incorporating all of the limitations of claims 5 and 6. Since claim 6 has not been rejected on this ground, this rejection is no longer applicable to claims 1 and 4.

#### Allowable Subject Matter

Claim 6 has been objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 depends from claim 5 which depends from claim 1. As discussed above, claim 1 has been amended by incorporating all of the limitations of claims 5 and 6. Thus, claim 1 should be held allowable.

#### Claims 9-16

Claim 9 has been amended to clarify the invention. Claim 9 recites that an outer layer made of a rubber elastic foam material has a smaller thickness, a higher rebound elasticity, and a lower density than an inner layer made of an impact absorptivity foam material. In the above structure, impact received by the outer layer can widely be distributed and then sufficiently absorbed by the inner layer (the paragraph bridging pages 4 and 5, for example). Further, table 1 (page 20) and table 2 (page 30) show excellent impact absorption properties of embodiments of the claimed invention. Rhee gives absolutely no indication that the coating or casing (14) or the spacer (62) in Fig. 9 is made of a rubber elastic foam material and has a higher rebound elasticity and a lower density than the resilient material (12). In Norblom, the outer layer (50) is a relatively thick foam pad (52) (col. 3, lines 51-52), and the inner layer (62) is a forearm cushioning foam. Thus, neither Rhee nor Norblom teaches or suggests the specific structures recited in claim 9. The prior art could not render claim 9 anticipated or obvious.

Claims 10-12 depend from claim 9 and recite further limitations which are not taught or suggested by the prior art.

Claims 13-16 have been added, which depend from claim 9 and recite further limitations which are not taught or suggested by the prior art.

It is respectfully submitted that claims 9-16 are allowable.

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**CONCLUSION**

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.


Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 7, 2006

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